

# INDICTMENT

THE STATE OF MISSISSIPPI  
VERSUS  
WILLIE J. HEMPHILL

CAUSE NO. 7454

## INDICTMENT FOR THE OFFENSE OF FELONY SHOPLIFTING §97-23-93

THE STATE OF MISSISSIPPI  
COUNTY OF MONTGOMERY

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, OCTOBER TERM, 1996  
Grand Jury Recalled March 20, 1997

The Grand Jurors of the State of Mississippi, taken from the body of good and lawful citizens of said county, elected, summoned, empaneled, sworn and charged to inquire in and for the county aforesaid, at the term aforesaid of the Court aforesaid, in the name and by the authority of the State of Mississippi, upon their oath present that

### WILLIE J. HEMPHILL

late of Montgomery County, Mississippi, on or about the 15th day of August, 1996, in the county and state aforesaid and within the jurisdiction of this Court, did wilfully, unlawfully and feloniously take possession of one (1) Eighteen pack of Budweiser Beer, having a value of Ten dollars and Sixty-Nine cents (\$10.69), which were held by, offered, or displayed for sale by the Sayle Oil Co., a corporation, d/b/a Gas Mart in Winona, Mississippi, a further and more complete description being to the Grand Jury unknown, the said defendant having then and there the intention and purpose of converting said merchandise to his own use without paying the purchase price therefor, and the defendant having been at least twice previously convicted of shoplifting upon charges separately brought and arising out of separate incidents at different times; such convictions more particularly described as follows:

1. Convicted of shoplifting on December 29, 1992, in the Municipal Court of Winona, Mississippi, in cause no. 9212-1537;
2. Convicted of shoplifting on August 16, 1994 in the Municipal Court of Winona, Mississippi, in cause no. 9408-2696;

all of the above being in violation of Miss. Code Ann., Section 97-23-93, and against the peace and dignity of the State of Mississippi.

Endorsed: A True Bill  
*Betty J. Doss*  
Foreman of the Grand Jury

*Doug Evans* **D**  
District Attorney  
MAR 21 1997  
TINA RYANS - BLAYLOCK  
CIRCUIT CLERK  
D.A.

**ALRIGHT BAIL BONDS**

796 Goodman Road East  
Southaven, Mississippi 38671  
MISSISSIPPI LICENSE NO. 9003274

APPEARANCE BOND

Court.

THE STATE OF MISSISSIPPI

Montgomery County. Willie Hemphill

We \_\_\_\_\_ We \_\_\_\_\_, principal, and

LINDA C. ALRED D/B/A ALRIGHT BAIL BONDS surety, agree to pay the state of Mississippi  
THREE THOUSAND DOLLARS

\$3,000.00 Willie Hemphill Dollars, unless the said  
Dollars, unless the said  
shall appear before the

Court on the April 17th day of  
19 97 at 9 o'clock A.M. m., and from day to day and term to term until  
discharged by law to answer a charge of Shoplifting

ALRIGHT BAIL BONDS

By Dorothy Jackson

APPROVED:

This 1st day of February 19 97

(Signed) Willie Hemphill Principal

Dorothy Jackson Principal

Jina FEB 04 1997  
Blawlock  
MRS. TINA RIVALS BLAWLOCK  
CIRCUIT CLERK  
O.C.

Bond No. 6566)

THE STATE OF MISSISSIPPI

alias

CAPIAS

Cause No.

7454

TO THE SHERIFF OF MONTGOMERY COUNTY—GREETINGS:

WE COMMAND YOU to take the bod

y of

Willie J. Hemphill

if to be found in your County, and he safely keep, so that you have him before our Circuit Court, at the Court room thereof in the City of Winona, on the 14<sup>th</sup> day of April at 1:00pm, 1997 then and there to answer to the State of Mississippi, on a charge of Gelony Shoplifting

HEREIN FAIL NOT, and have you then and there this Writ.

Witness, Tina Ryals-Blaylock, Clerk of our said Court, with the seal of his office affixed, at Winona, Mississippi, this the

14<sup>th</sup> day of  
April, 1997.

Tina Ryals Blaylock, Clerk  
By Dose Leah, D. C.

INDICTMENT

THE STATE OF MISSISSIPPI  
VERSUS  
WILLIE J. HEMPHILL

CAUSE NO. 74-54

INDICTMENT FOR THE OFFENSE OF  
FELONY SHOPLIFTING §97-23-93

THE STATE OF MISSISSIPPI  
COUNTY OF MONTGOMERY

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, OCTOBER TERM, 1996  
Grand Jury Recalled March 20, 1997

The Grand Jurors of the State of Mississippi, taken from the body of good and lawful citizens of said county, elected, summoned, empaneled, sworn and charged to inquire in and for the county aforesaid, at the term aforesaid of the Court aforesaid, in the name and by the authority of the State of Mississippi, upon their oath present that

**WILLIE J. HEMPHILL**

late of Montgomery County, Mississippi, on or about the 15th day of August, 1996, in the county and state aforesaid and within the jurisdiction of this Court, did wilfully, unlawfully and feloniously take possession of one (1) Eighteen pack of Budweiser Beer, having a value of Ten dollars and Sixty-Nine cents (\$10.69), which were held by, offered, or displayed for sale by the Sayle Oil Co., a corporation, d/b/a Gas Mart in Winona, Mississippi, a further and more complete description being to the Grand Jury unknown, the said defendant having then and there the intention and purpose of converting said merchandise to his own use without paying the purchase price therefor, and the defendant having been at least twice previously convicted of shoplifting upon charges separately brought and arising out of separate incidents at different times; such convictions more particularly described as follows:

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all of the above being in violation of Miss. Code Ann., Section 97-23-93, and against the peace and dignity of the State of Mississippi.

Endorsed: A True Bill  
*[Signature]*  
Foreman of the Grand Jury

District Attorney

**FILED**  
MAR 21 1997  
TINA RYAN-BLAYLOCK  
CIRCUIT CLERK  
P.O.

IN THE CIRCUIT COURT OF Montgomery COUNTY, MISSISSIPPI

April

TERM, 1997

STATE OF MISSISSIPPI

VERSUS

CRIMINAL CAUSE NO. 7454

Willie J. Henshaw

PETITION TO ENTER PLEA OF GUILTY

The Defendant, after having been first duly sworn, on his/her oath represents and states unto the Court the following:

1. My full name is \_\_\_\_\_,

and I am also known as \_\_\_\_\_.  
I request that all proceedings against me be had in my true name. This petition has been read and explained to me by my lawyer, and I understand the contents herein.

2. I am represented by a lawyer; his/her name is

H Lee Bailey, Jr.

3. I wish to plead GUILTY to the charge (s) of

Felony shoplifting

4. I told my lawyer all the facts and circumstances known to me about the charges against me. I believe that my lawyer is fully informed on all such matters. My lawyer has counseled and advised me on the nature of each charge, on any and all lesser-included charges, and on all possible defenses that I might have in this case.

5. My lawyer has advised me as to the probabilities of my conviction on the charges with which I am charged and thoroughly discussed all aspects of my case with me. My lawyer has made no threats or promises of any type or kind to induce me to enter this plea of guilty, and the decision to seek the entry of this plea was my own and mine alone, based on my own reasons and free from any outside coercive influences.

6. I understand that I may plead Not Guilty to any offense charged against me. If I choose to plead Not Guilty the Constitution guarantees me:

- a. the right to a speedy and public trial by jury;
- b. the right to see, hear, and face in open court all witnesses called to testify against me; and the right to cross-examine those witnesses;
- c. the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor;
- d. the right to have the assistance of a lawyer at all stages of the proceedings;
- e. the presumption of innocence, i.e., the State must prove beyond a reasonable doubt that I am guilty; and
- f. the right to take the witness stand at my sole option; if I do not take the witness stand, I understand that, at my option, the jury may be told that this shall not be held against me.

Knowing and understanding the Constitutional guarantees set forth in this paragraph, I hereby waive them and renew my desire to enter a plea of Guilty.

7. I know that if I plead Guilty to this charge (these charges), the possible sentence is 0 to 5 years imprisonment  
(minimum) (maximum)  
and / or a fine of \$ 0 to 1,000.<sup>00</sup>.  
(minimum) (maximum)

I also know that the sentence is up to the Court; that the Court is not required to carry out any understanding made by me and my attorney with the District Attorney, and further, that the Court is not required to follow the recommendation of the District Attorney, if any. The District Attorney will take no part other than providing to the Court police reports and other factual information as requested by the Court; and the District Attorney shall make no recommendations to the court concerning my sentence except as follows: 5 yrs; 3 1/2 yrs. suspended; 1 1/2 yrs.  
to serve; payment of cl. costs; to run  
concurrent with # 7453.

8. I have been convicted of no felonies in this or any other state or of the United States, except as follows: none

9. I am        am not ✓ presently on probation or parole. I understand that by pleading guilty in this case this may cause revocation of my probation or parole, and that this could result in a sentence of                  years in that case. I further understand that if my probation or parole is revoked, any sentence in that case may be consecutive to or in addition to any sentence in this case.

10. I am 25 years of age. I have gone to school up to and including 12<sup>th</sup>. My physical and mental health is presently satisfactory. At this time I am not under the influence of any kind of drugs or intoxicants except none

11. I declare that no officer or agent of any branch of government, Federal, State, or local, has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I will receive a lighter sentence, or probation, or any other form of leniency if I plead Guilty, except those set forth in this plea bargain agreement.

12. I believe that my lawyer has done all that anyone could do to counsel and assist me. I AM SATISFIED WITH THE ADVICE AND HELP HE HAS GIVEN ME. I recognize that if I have been told by my lawyer that I might receive probation or a light sentence, this is merely his prediction and is not binding on the court.

13. I plead Guilty and request the Court to accept my plea of Guilty and to enter my plea of Guilty on the basis of [here set forth involvement in crime]:

*The facts contained in the indictment.*

14. I OFFER MY PLEA OF GUILTY FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE INDICTMENT AND IN THIS PETITION AND IN THE CERTIFICATE OF MY LAWYER WHICH FOLLOWS.

15. In the event the Court places me on supervised probation, I state for the record that I have fully read and understand and agree to the following terms of supervised probation:

- (a) commit no offense against the laws of this or any state of the United States or of the United States;
- (b) avoid injurious or vicious habits and avoid persons or places of disreputable or harmful character;
- (c) support all dependents;
- (d) work faithfully at suitable employment so far as possible;
- (e) not possess or consume any alcohol beverage, nor go into or remain about any place where alcoholic beverages are sold as a primary sale item, and not possess or use any controlled substance not lawfully prescribed by a physician;
- (f) submit to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or any substance prohibited or controlled by the laws of this or any state of the United States or of the United States;
- (g) report to the Department of Corrections as directed by it;
- (h) permit the Field Officer to visit him at home or elsewhere;
- (i) remain within the State of Mississippi unless authorized to leave on proper application therefor;
- (j) waive extradition to the State of Mississippi from any jurisdiction in or outside the United States and agree not to contest any effort by any jurisdiction to return defendant to the State of Mississippi;
- (k) pay to the Department of Corrections the sum of \$20.00 per month by "Certified check" or "money order" until discharged from supervision;
- (l) pay restitution, attorney's fees, court costs and assessments as outlined above.

The terms of the Suspension of Sentence are the same as those of Supervised Probation except items (g), (h) and (k).

16. HABITUAL CRIMINAL PARAGRAPH. If NOT applicable, CHECK \_\_\_\_\_.  
If applicable, please note the statute under which the plea of guilty is to be taken: of Corrections  
as directed by it;

MISS CODE ANN. §99-19-81 \_\_\_\_ ; MISS CODE ANN. §99-19-83 \_\_\_\_ ;

Specify the punishment sought to be enhanced:

SIGNED AND SWORN TO BY ME on this, the 18<sup>th</sup> day of April,  
1997, with the full knowledge that every person who shall wilfully and corruptly  
swear, testify, or affirm falsely to any material matter under any oath, affirmation, or  
declaration legally administered in any matter, cause, or proceeding pending in any  
court of law or equity shall, upon conviction, be punished as provided by law.

Willie James Hayhill  
DEFENDANT

WITNESS:

H. Lee Bailey, Jr.  
DEFENDANT'S ATTORNEY

STATE OF MISSISSIPPI  
COUNTY OF Montgomery

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS, THE 18<sup>th</sup> DAY  
OF April, 1997.

Vivian Ryals-Blaylock  
Circuit Clerk  
(Official Title)

CERTIFICATE OF COUNSEL

The undersigned, as lawyer and counselor for the above Defendant hereby certifies:

1. I have read and fully explained to the Defendant the allegations contained in the indictment in this case.
2. To the best of my knowledge and belief the statements, representations, and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.
3. I have explained the minimum and maximum penalties for each count to the Defendant, and consider him / her competent to understand the charges against him / her and the effect of his / her petition to enter a plea of guilty.
4. The plea of Guilty offered by the Defendant in this petition accords with my understanding of the facts he / she related to me and is consistent with my advice to the Defendant.
5. In my opinion, the plea of Guilty as offered by the Defendant in this petition is voluntarily and understandingly made. I recommend that this Court accept the plea of Guilty.
6. Having discussed this matter carefully with the Defendant, I am satisfied, and I hereby certify that, in my opinion, he / she is mentally and physically competent; there is no mental or physical condition which would affect his / her understanding of these proceedings; further, I state that I have no reason to believe that he / she is presently operating under the influence of drugs or intoxicants. [Any exceptions to this statement should be stated by Counsel on the Record].

Signed by me in the presence of the Defendant above named and after full discussion of the contents of this certificate with the defendant on this, the 18 day of April, 1997.

H. Lee Bailey, Jr.  
ATTORNEY FOR THE DEFENDANT

NAME Willie James Hemphill ALIAS \_\_\_\_\_

SSN 587-19-1768 RACE B SEX M.

LAST KNOWN RESIDENCE 1000 BB King Dr., Kehnechael

PLACE OF BIRTH Winona DATE OF BIRTH 9/10/71

COUNTRY OF CITIZENSHIP U.S.

THE STATE OF MISSISSIPPI

CAPIAS

Cause No.

7454

TO THE SHERIFF OF MONTGOMERY COUNTY—GREETINGS:

WE COMMAND YOU to take the bod <sup>Y</sup> of

*Willie J. Hemphill*

if to be found in your County, and he | she safely keep, so that you have him | her before our Circuit Court, at  
at 10:00 A.M.

the Court room thereof in the City of Winona, on the 25th day of March, 1997

then and there to answer to the State of Mississippi, on a charge of Felony Shoplifting

HEREIN FAIL NOT, and have you then and there this Writ.

Witness, Tina Ryals-Blaylock, Clerk of our said Court, with the seal of his

office affixed, at Winona, Mississippi, this the 21st day of

March, 1997.

*Tina Blaylock*, Clerk

By \_\_\_\_\_, D. C.

# INDICTMENT

THE STATE OF MISSISSIPPI  
VERSUS  
WILLIE J. HEMPHILL

CAUSE NO. 7454

INDICTMENT FOR THE OFFENSE OF  
FELONY SHOPLIFTING §97-23-93

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COUNTY OF MONTGOMERY

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, OCTOBER TERM, 1996  
Grand Jury Recalled March 20, 1997

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**WILLIE J. HEMPHILL**

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all of the above being in violation of Miss. Code Ann., Section 97-23-93, and against the peace and dignity of the State of Mississippi.

Endorsed: A True Bill

Foreman of the Grand Jury

CERTIFYING STAMP

I hereby certify that the foregoing  
is a true copy of the original  
now in my office.

ATTEST: *Dina Ryals Blaylock*  
CIRCUIT CLERK

BY: *Rose Seal D.C.*

MAR 21 1997

DINA RYALS - BLAYLOCK  
CIRCUIT CLERK

D.C.

THE STATE OF MISSISSIPPI

CAPIAS  
Cause No.

7454

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the Court room thereof in the City of Winona, on the 25th day of March, 1997

then and there to answer to the State of Mississippi, on a charge of

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Witness, Tina Ryals-Blaylock, Clerk of our said Court, with the seal of his  
office affixed, at Winona, Mississippi, this the 21st day of

March

, 1997

Tina Blaylock

Clerk

By \_\_\_\_\_, D. C.

# INDICTMENT

THE STATE OF MISSISSIPPI  
VERSUS  
WILLIE J. HEMPHILL

CAUSE NO. 7454

## INDICTMENT FOR THE OFFENSE OF FELONY SHOPLIFTING §97-23-93

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COUNTY OF MONTGOMERY

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, OCTOBER TERM, 1996  
Grand Jury Recalled March 20, 1997

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**WILLIE J. HEMPHILL**

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all of the above being in violation of Miss. Code Ann., Section 97-23-93, and against the peace and dignity of the State of Mississippi.

Endorsed: A True Bill

Foreman of the Grand Jury

### CERTIFYING STAMP

I hereby certify that the foregoing is a true copy of the original record now in my office.

District Attorney

ATTEST: Tina Ryan Blaylock  
CIRCUIT CLERK

BY: Rose Seab D.C.

FEB 1 E D

MAR 2 1 1997

TINA RYAN - BLAYLOCK  
CIRCUIT CLERK

D.C.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS

CAUSE NO. 7454

WILLIE J. HEMPHIL

JUDGMENT

On April 18, 1997 into open court came the district attorney, the defendant in his own proper person and the defendant's counsel, the defendant having been charged by indictment with the **FELONY CRIME OF SHOPLIFTING**, and for plea thereto, the defendant entered a plea of guilty. Thereafter, the court advised defendant of his legal and constitutional rights in the premises, and of the consequences of such a plea; and after the defendant freely, voluntarily and intelligent waived his constitutional rights, and after the defendant admitted upon direct questioning that he is guilty of the crime to which he has pleaded guilty, the said plea of guilty was and is accepted by the court.

IT IS, THEREFORE, ORDERED, that the defendant, WILLIE J. HEMPHILL, and for such crime specified above, be and he is hereby sentenced to serve a term of FIVE (5) YEARS with the Mississippi Department of Corrections, THREE AND ONE-HALF (3 1/2) YEARS suspended for FIVE (5) YEARS beginning upon his release from incarceration with ONE AND ONE-HALF (1 1/2) YEARS to serve.

FURTHERMORE, the defendant is to pay all court costs, assessments and restitution in the amount of \$15.00 to Sayle Oil Company, d/b/a Gas Mart, Winona, MS within one year of his release from incarceration.

The sentence imposed in this cause shall run concurrent with the sentence imposed in cause

no. 7453 of this Court.

The following are terms of the suspended sentence:

- a) commit no offense against the laws of this or any state of the United States or of the United State;
- b) avoid injurious or vicious habits and avoid persons or places of disreputable or harmful character;
- c) support all dependents;
- d) work faithfully at suitable employment so far as possible;
- e) not possess or consume any alcoholic beverage, nor go into or remain about any place where alcoholic beverages are sold as a primary sale item, and not possessor use any controlled substance not lawfully prescribed by a physician;
- f) submit to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or any substance prohibited or controlled by the laws of this or any state of the United States or of the United States;
- g) report to the Department of Corrections as directed by it;
- h) permit the Field Officer to visit him at home or elsewhere;
- i) remain within the State of Mississippi unless authorized to leave on proper application therefor;
- j) waive extradition to the State of Mississippi from any jurisdiction in or outside the United States and agree not to contest any effort by any jurisdiction to return defendant to the State of Mississippi;
- k) pay to the Department of Corrections the sum of \$20.00 per month by "certified check" or "money order" until discharged from supervision;
- l) pay fine, court costs, and assessments as outlined above;

The terms of the Suspension of Sentence are the same as those of Supervised Probation except items (g), (h), and (k).

The defendant is remanded to the custody of the Sheriff to await transportation.

SO ORDERED this the 18 day of April, 1997.

  
CIRCUIT COURT JUDGE

FILED

1 APR 21 1997  
Tina Ryals Blaylock  
MRS. TINA RYALS - BLAYLOCK  
CIRCUIT CLERK  
By C. Lee Seal D.G.

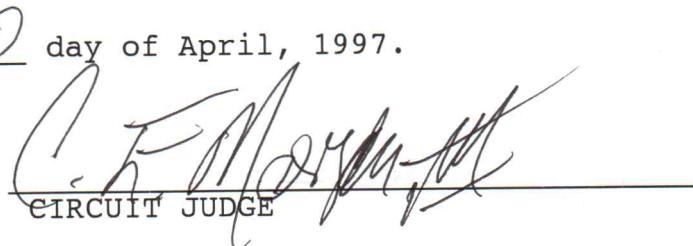
IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

The Circuit Court of Montgomery County, Mississippi, having been duly opened on Monday, April 14, 1997, with His Honor, Judge Clarence E. Morgan, III, Circuit Judge, Fifth Circuit Court District of Mississippi, presiding, the following transactions of business were had, to-wit:

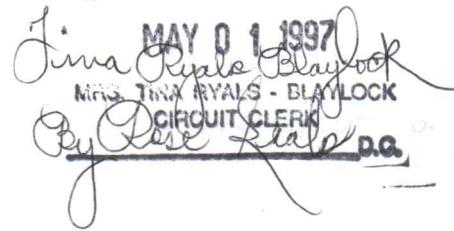
**7454, WILLIE E. HEMPHILL**, indicted on a charge of FELONY SHOPLIFTING, was arraigned and entered a plea of not guilty. Defendant's address is 1000 B.B. King Drive, Kilmichael, Mississippi. His phone number is (601) 283-4837. Honorable Lee Bailey, Montgomery County Public Defender, was appointed as counsel.

The Court does hereby Order that a copy of the within be both spread upon the Minutes of this Court and placed within this cause number file.

SO ORDERED this the 30 day of April, 1997.

  
\_\_\_\_\_  
CIRCUIT JUDGE

**FILED**

MAY 01 1997  
Tina Rials Blaylock  
Mrs. TINA RIALS - BLAYLOCK  
CIRCUIT CLERK  
By Rose Rab D.G.  


BB 439

1                   IN THE CIRCUIT COURT OF  
2                   MONTGOMERY COUNTY, MISSISSIPPI

3                   STATE OF MISSISSIPPI

4                   VERSUS

CAUSE NO. 7453

5                   WILLIE HEMPHILL

F I L E D

6                   STATE OF MISSISSIPPI

7                   VERSUS

8                   WILLIE HEMPHILL

*Tina Ryals Blaylock* NOV 12 1997  
MRS. TINA RYALS - BLAYLOCK CAUSE NO. 7454  
*By Rose Leah* CIRCUIT CLERK  
D.C.

10                 \*\*\*\*\*

11                 TRANSCRIPT OF THE PROCEEDINGS HAD AND DONE IN  
12                 CONNECTION WITH A PLEA OF GUILTY IN THE ABOVE STYLED  
13                 AND NUMBERED CAUSE, BEFORE THE HONORABLE CLARENCE E.  
14                 MORGAN, III, CIRCUIT JUDGE, FIFTH CIRCUIT COURT  
15                 DISTRICT OF THE STATE OF MISSISSIPPI, ON THE 18TH  
16                 DAY OF APRIL, 1997.

17                 \*\*\*\*\*

18                 APPEARANCES:

20                 HONORABLE MICKEY MALLETT  
21                 Assistant District Attorney  
22                 Post Office Box 1262  
23                 Grenada, Mississippi 38901

24                 (Representing the State)

25                 HONORABLE LEE BAILEY  
26                 Montgomery County Public Defender  
27                 Post Office Box 133  
28                 Winona, Mississippi 38967

29                 (Representing the Defendant)

Reported By: Noelle C. Skelton, CSR  
Mississippi CSR No. 1356

1           **BY THE COURT:** You are Willie J.  
2           Hemphill?

3           **BY THE DEFENDANT:** Yes, Your Honor.

4           **BY THE COURT:** Have you been sworn in?

5           **BY THE DEFENDANT:** Yes.

6           **BY THE COURT:** Okay. You're represented  
7           by Mr. Bailey?

8           **BY THE DEFENDANT:** Yes, sir.

9           **BY THE COURT:** Mr. Bailey, you represent  
10          him as the public defender of Montgomery  
11          County?

12          **BY MR. BAILEY:** Yes, sir.

13          **BY THE COURT:** He has heretofore -- well,  
14          first, on 7453, Mr. Hemphill, have you  
15          been served a copy of the indictment --

16          **BY THE DEFENDANT:** Yes, sir.

17          **BY THE COURT:** -- in that case?

18          **BY THE DEFENDANT:** 7454.

19          **BY THE COURT:** Okay. Have you ever been  
20          served with that indictment?

21          **BY THE DEFENDANT:** No, sir.

22          **BY THE COURT:** Okay. Let's get him  
23          served.

24          (Off Record)

25          **BY THE COURT:** Okay. In Cause No. 7453,  
26          Mr. Hemphill, you have now been served a  
27          copy of that indictment. Is that  
28          correct?

29          **BY THE DEFENDANT:** Yes, Your Honor.

1           **BY THE COURT:** Okay. Mr. Bailey, what do  
2           you say to a reading of that indictment?

3           **BY MR. BAILEY:** Waive the reading.

4           **BY THE COURT:** And I notice that there's  
5           a petition filed in that cause also where  
6           he intends to enter a plea of guilty to  
7           that charge. Is that correct?

8           **BY MR. BAILEY:** Yes, sir.

9           **BY THE COURT:** Okay. And in Cause  
10          No. 7455, there's also a petition to --  
11          I'm sorry. 7454, there's also a petition  
12          to change his plea of not guilty to one  
13          of guilty. Correct?

14          **BY MR. BAILEY:** Yes, sir.

15          **BY THE COURT:** Did you prepare those  
16          petitions for the Defendant?

17          **BY MR. BAILEY:** Yes, sir.

18          **BY THE COURT:** Did you go over them with  
19          him and explain them to him?

20          **BY MR. BAILEY:** Yes, sir.

21          **BY THE COURT:** Did you read them to him,  
22          or did he read them himself?

23          **BY MR. BAILEY:** I read them to him, and  
24          then he read them.

25          **BY THE COURT:** All right. Did you  
26          explain to him the nature of the charges  
27          against him and what the State would have  
28          to prove in order to convict him of those  
29          charges?

1           **BY MR. BAILEY:** Yes, sir.

2           **BY THE COURT:** Did you discuss with him  
3           any defenses that he might have?

4           **BY MR. BAILEY:** Yes, sir.

5           **BY THE COURT:** Did you, in particular,  
6           explain to him his constitutional rights  
7           as contained in Paragraph 6 of the  
8           petition?

9           **BY MR. BAILEY:** Yes, sir.

10          **BY THE COURT:** Did you explain to him  
11         that he would waive those rights by  
12         entering a plea of guilty?

13          **BY MR. BAILEY:** Yes, sir.

14          **BY THE COURT:** Did you explain to him the  
15         minimum and maximum sentence available to  
16         him on this charge?

17          **BY MR. BAILEY:** Yes, sir.

18          **BY THE COURT:** Do you think he  
19         understands everything that we're doing  
20         here today?

21          **BY MR. BAILEY:** Yes, sir.

22          **BY THE COURT:** Do you think his change of  
23         plea on both charges is a free and  
24         voluntary act?

25          **BY MR. BAILEY:** Yes, sir.

26          **BY THE COURT:** Mr. Hemphill, how old are  
27         you?

28          **BY THE DEFENDANT:** Twenty-five.

29          **BY THE COURT:** How much education have

1                   you got?

2                   **BY THE DEFENDANT:** I went to the 12th  
3                   grade.

4                   **BY THE COURT:** Can you read and write?

5                   **BY THE DEFENDANT:** Yes, Your Honor.

6                   **BY THE COURT:** Did you read each of these  
7                   petitions that Mr. Bailey gave you --

8                   **BY THE DEFENDANT:** Yes, sir.

9                   **BY THE COURT:** -- or prepared for you?

10                  **BY THE DEFENDANT:** Yes, sir. I read over  
11                  them.

12                  **BY THE COURT:** All right. Do you  
13                  understand they're asking me to accept  
14                  your plea of guilty. Is that correct?

15                  **BY THE DEFENDANT:** Yes, Your Honor.

16                  **BY THE COURT:** Did you discuss those with  
17                  Mr. Bailey? Did you discuss those --

18                  **BY THE DEFENDANT:** Yes, sir.

19                  **BY THE COURT:** -- petitions with  
20                  Mr. Bailey?

21                  **BY THE DEFENDANT:** I discussed  
22                  everything.

23                  **BY THE COURT:** Okay. Do you understand  
24                  what he talked to you about?

25                  **BY THE DEFENDANT:** Yes, Your Honor.

26                  **BY THE COURT:** Anything about what he  
27                  talked to you about or what we're doing  
28                  here today you don't understand?

29                  **BY THE DEFENDANT:** I don't understand why

1 I can't get house arrest.

2 **BY THE COURT:** Okay. But as far as the  
3 charges -- as far as the charges go,  
4 though, you understand about the charges,  
5 right?

6 **BY THE DEFENDANT:** Yes, sir.

7 **BY THE COURT:** And you understand that  
8 you are pleading guilty to these charges?

9 **BY THE DEFENDANT:** Yes, Your Honor.

10 **BY THE COURT:** Okay. Are the things  
11 contained in these petitions true and  
12 correct?

13 **BY THE DEFENDANT:** Yes, Your Honor.

14 **BY THE COURT:** Is it your -- is it your  
15 signature on the last page of the  
16 petition?

17 **BY THE DEFENDANT:** Yes, Your Honor.

18 **BY THE COURT:** Okay. Before I can accept  
19 your plea on either charge, I must advise  
20 you of your constitutional rights and  
21 advise you that you will waive those by  
22 entering a plea of guilty today.

23 Do you understand that you have a  
24 right to a public and speedy trial by a  
25 jury?

26 **BY THE DEFENDANT:** Yes, Your Honor.

27 **BY THE COURT:** Do you understand you have  
28 the right to cross-examine anybody that  
29 testifies against you?

1           **BY THE DEFENDANT:** Yes.

2           **BY THE COURT:** Do you understand that you  
3           have the right to call into court  
4           witnesses to testify in your behalf?

5           **BY THE DEFENDANT:** Yes, sir.

6           **BY THE COURT:** Do you understand that you  
7           have the right to testify yourself, but  
8           that you also have the right not to?

9           **BY THE DEFENDANT:** Yes, sir.

10          **BY THE COURT:** Do you understand if you  
11         don't testify -- and elect not to  
12         testify, that I'll instruct the jury they  
13         can't hold that fact against you?

14          **BY THE DEFENDANT:** Yes, Your Honor.

15          **BY THE COURT:** Do you understand you have  
16         a right to an attorney at all stages of  
17         the prosecution?

18          **BY THE DEFENDANT:** Yes.

19          **BY THE COURT:** Do you understand that I  
20         will instruct the jury that they must  
21         presume that you're innocent until such  
22         time the State proves your guilt beyond a  
23         reasonable doubt?

24          **BY THE DEFENDANT:** Yes, Your Honor.

25          **BY THE COURT:** Do you understand that all  
26         12 jurors would have to find you guilty  
27         beyond a reasonable doubt before they  
28         could return a verdict against you?

29          **BY THE DEFENDANT:** Yes.

1           **BY THE COURT:** Do you understand that if  
2           you are convicted by a jury, you would  
3           have a right to appeal that conviction to  
4           the Mississippi Supreme Court?

5           **BY THE DEFENDANT:** Yes, Your Honor.

6           **BY THE COURT:** And if you can't afford  
7           the cost of appeal, I'll appoint an  
8           attorney to represent you; and all the  
9           costs will be paid by the State?

10          **BY THE DEFENDANT:** Yes, Your Honor.

11          **BY THE COURT:** Do you understand you  
12          waive all those rights by entering a plea  
13          of guilty?

14          **BY THE DEFENDANT:** Yes, Your Honor.

15          **BY THE COURT:** Do you understand that you  
16          are charged with two charges -- different  
17          charges of felony shoplifting?

18          **BY THE DEFENDANT:** Yes, sir.

19          **BY THE COURT:** Have you discussed  
20          those -- those charges with Mr. Bailey?

21          **BY THE DEFENDANT:** Yes, Your Honor.

22          **BY THE COURT:** Did he explain to you what  
23          the State would have to prove in order to  
24          convict you of those charges?

25          **BY THE DEFENDANT:** They'll have to prove  
26          I'm guilty, right? They'll have to prove  
27          that I'm guilty.

28          **BY THE COURT:** Right.

29          **BY THE DEFENDANT:** Yes, sir.

1           **BY THE COURT:** And he talked to you about  
2           that, how they would have to go about  
3           doing that. Is that right?

4           **BY THE DEFENDANT:** Yes, sir.

5           **BY THE COURT:** Did you and he discuss any  
6           possible defenses that you might have?

7           **BY THE DEFENDANT:** Yes.

8           **BY THE COURT:** Are you completely  
9           satisfied with his representation of you  
10          in this matter?

11          **BY THE DEFENDANT:** I guess so.

12          **BY THE COURT:** Was there anything you  
13          wanted him to do that he has not done?

14          **BY THE DEFENDANT:** I want to get house  
15          arrest.

16          **BY THE COURT:** Yeah, I understand that,  
17          Mr. Hemphill. But Mr. Bailey is not the  
18          one that always gets the say on that. To  
19          start with, he may not get the State to  
20          agree to recommend that. And if the  
21          State recommends it, he ain't got  
22          anything to do with whether I do it or  
23          not. Do you understand that?

24          **BY THE DEFENDANT:** Yes, sir.

25          **BY THE COURT:** I don't have to accept  
26          anything that they work out. Do you  
27          understand that?

28          **BY THE DEFENDANT:** Yes, Your Honor.

29          **BY THE COURT:** Okay. Other than that,

1                   other than the fact that he couldn't get  
2                   you a deal for house arrest, are you  
3                   satisfied with what he's done for you in  
4                   this case?

5                   **BY THE DEFENDANT:** Yes, Your Honor.

6                   **BY THE COURT:** After your discussions  
7                   with him, is it your own idea -- are you  
8                   pleading guilty on your own?

9                   **BY THE DEFENDANT:** Yes, Your Honor.

10                  **BY THE COURT:** Okay. Anybody make any  
11                  threat against you, coerce you in any way  
12                  or use any physical violence against you  
13                  to get you to enter a plea of guilty?

14                  **BY THE DEFENDANT:** No, Your Honor.

15                  **BY THE COURT:** Anybody make any promise  
16                  to you or give you anything of value or  
17                  any hope of reward in order to get you to  
18                  enter a plea of guilty?

19                  **BY THE DEFENDANT:** No, Your Honor.

20                  **BY THE COURT:** Are you presently under  
21                  the influence of drugs or alcohol or  
22                  undergoing any mental treatment?

23                  **BY THE DEFENDANT:** No, Your Honor.

24                  **BY THE COURT:** Do you understand that on  
25                  each charge there is -- there is no  
26                  minimum sentence, but there is a maximum  
27                  sentence of five years?

28                  **BY THE DEFENDANT:** Yes, Your Honor.

29                  **BY THE COURT:** Do you understand there's

no minimum fine, but there's a maximum  
fine of \$1,000?

**BY THE DEFENDANT:** Yes, Your Honor.

4                   **BY THE COURT:** Do you understand that  
5                   that means that if you are convicted on  
6                   both of them, it is possible that you  
7                   could get ten years to serve and pay a  
8                   \$2,000 fine?

**BY THE DEFENDANT:** Yes, Your Honor.

10 BY THE COURT: Okay. I'll hear from the  
11 State on the factual basis of the charge.

12                   **BY MR. MALLETTTE:** Your Honor, the State  
13                   would intend to prove at trial in Cause  
14                   No. 7453 that the Defendant, Willie J.  
15                   Hemphill, of Montgomery County, on or  
16                   about the 21st day of August, 1996, in  
17                   Montgomery County, Mississippi, did  
18                   willfully, unlawfully and feloniously  
19                   take possession of a quart of Budweiser  
20                   or Bud Light beer, which was offered and  
21                   held by and displaced for sale by Mim's  
22                   Convenience Stores, Incorporated, a  
23                   corporation, doing business as the Jitney  
24                   Junior in Winona, Mississippi.

1                   at least twice previously convicted of  
2                   shoplifting upon charges separately  
3                   brought or arising out of separate  
4                   incidents at different times.

5                   Those convictions being that he was  
6                   convicted of shoplifting on December  
7                   29th, 1992, in Winona City Court in  
8                   Mississippi in Cause No. 9212-1537. And  
9                   also, that he was convicted of the crime  
10                  of shoplifting on August 16th, 1994, in  
11                  Winona City Court in Mississippi in Cause  
12                  No. 9408-2696. All of the above being  
13                  against the peace and dignity of the  
14                  State of Mississippi.

15                  Further, the State would intend to  
16                  prove at trial in Cause No. 7454 that the  
17                  Defendant, Willie J. Hemphill, of  
18                  Montgomery County, on or about the 15th  
19                  day of August, 1996, in Montgomery  
20                  County, Mississippi, did willfully,  
21                  unlawfully and feloniously take  
22                  possession of an 18 pack of Budweiser  
23                  beer, which was offered and held and  
24                  displayed for sale by the Sayle Oil  
25                  Company, a corporation, doing business as  
26                  Gas Mart in Winona, Mississippi.

27                  The said Defendant having then and  
28                  there the intention and purpose of  
29                  converting that merchandise to his own

1                   use without paying the purchase price  
2                   therefore. And the Defendant having been  
3                   at least twice previously convicted of  
4                   shoplifting upon separate charges arising  
5                   out of separate incidents at different  
6                   times, those being the same two that I  
7                   listed a moment ago.

8                  **BY THE COURT:** Mr. Hemphill, you heard  
9                  what the State intends to prove in the  
10                 event each of these cases goes to trial.  
11                 Do you have any disagreement with what he  
12                 just said?

13                 **BY THE DEFENDANT:** No, Your Honor.

14                 **BY THE COURT:** Okay. Did you say no?

15                 **BY THE DEFENDANT:** No, I don't --

16                 **BY THE COURT:** Did you say I don't know,  
17                 or did you --

18                 **BY THE DEFENDANT:** I said no.

19                 **BY THE COURT:** No. Okay. Did you, in  
20                 fact, on August 21st, 1996, shoplift a  
21                 quart of beer from Mim's Convenience  
22                 Store; and August 15th, 1996, shoplift an  
23                 18 pack of beer from Gas Mart? Did you  
24                 do those things?

25                 **BY THE DEFENDANT:** Yes, Your Honor.

26                 **BY THE COURT:** All right. Have you  
27                 previously been convicted on December  
28                 29th, 1992, in the City Court of Winona,  
29                 Mississippi, for shoplifting?

1           **BY THE DEFENDANT:** Yes, Your Honor.

2           **BY THE COURT:** Have you on August 16th,  
3            been convicted in the City Court of  
4            Winona for shoplifting?

5           **BY THE DEFENDANT:** Well, Your Honor, they  
6            told me to pay a fine. Just to pay the  
7            fine instead of -- and keep me out of  
8            court. I wasn't not guilty on those --  
9            on those charges.

10          **BY THE COURT:** You weren't not guilty?

11          **BY THE DEFENDANT:** They told me to pay a  
12            fine just to keep it out of -- out of  
13            court.

14          **BY THE COURT:** Well, have you been  
15            convicted on it?

16          **BY THE DEFENDANT:** I paid the fine on it.  
17            That was it.

18          **BY THE COURT:** Mr. Bailey, have you  
19            checked into it? Has he been convicted?

20          **BY MR. BAILEY:** No, sir. I asked him  
21            earlier when we were talking. He didn't  
22            tell me that.

23          **BY THE DEFENDANT:** I was to pay the fine  
24            on it.

25          **BY THE COURT:** Well, if you paid the  
26            fine, you obviously -- did you plead  
27            guilty or not guilty when you went to  
28            court?

29          **BY THE DEFENDANT:** They told me to pay

1 the fine or stay in jail. So I paid the  
2 fine. Yeah. I was guilty on all of  
3 them. Let's get this over with. I'll go  
4 ahead and say I was guilty on them.

5                   **BY MR. MALLETTTE:** Let me make sure we've  
6                   got it.

7                   **BY THE DEFENDANT:** I'll go ahead and say  
8                   I was guilty on those, too.

9                           **BY THE COURT:** You've now got a copy  
10                           of --

11                   **BY MR. MALLETTTE:** I've got a copy of  
12                   docket book for that day, Your Honor,  
13                   showing that he was -- no, that's -- I'm  
14                   sorry. That's bound over for this  
15                   charge.

**BY THE DEFENDANT:** I'll say I was guilty.

17 BY THE COURT: I understand.

18                   **BY MR. MALLETTTE:** I don't think we've got  
19                   a copy in the file that I see.

20                   **BY THE COURT:** Okay. He's acknowledged  
21                   that he has been convicted. I'm going to  
22                   direct, though, that the State get the  
23                   copies from the city court clerk in  
24                   Winona and put those in the file to  
25                   verify that.

26                           **BY MR. MALLETTTE:** Yes, Your Honor. We  
27                           will do that.

1 revisit that before the term is out.

2 Okay? I'm confident that it is, but --  
3 okay?

4 Okay. You expect the State to make  
5 a recommendation as to the type of  
6 sentence you should receive in this  
7 matter. Do you understand I don't have  
8 to accept that, but may instead impose  
9 any sentence allowed by law?

10 **BY THE DEFENDANT:** Yes, Your Honor.

11 **BY THE COURT:** Do you understand nobody  
12 can guarantee you any early release,  
13 probation or parole in this matter; and  
14 if you are sentenced to a term of  
15 incarceration, you might have to serve  
16 the whole thing?

17 **BY THE DEFENDANT:** Yes, Your Honor.

18 **BY THE COURT:** In Cause No. 7453 on the  
19 charge of felony shoplifting,  
20 Mr. Hemphill, how do you plead -- guilty  
21 or not guilty?

22 **BY THE DEFENDANT:** Guilty.

23 **BY THE COURT:** In Cause No. 7454 on the  
24 State of -- on the charge of felony  
25 shoplifting, how do plead -- guilty or  
26 not guilty?

27 **BY THE DEFENDANT:** Guilty.

28 **BY THE COURT:** Mr. Bailey, do you know of  
29 any reason I shouldn't accept the

1                   Defendant's plea of guilty --

2                   **BY MR. BAILEY:** No, sir.

3                   **BY THE COURT:** -- on each charge?

4                   **BY MR. BAILEY:** No, sir.

5                   **BY THE COURT:** I find that the  
6                   Defendant's plea on each charge is freely  
7                   and voluntarily given, that there's a  
8                   factual basis for the charge; and I  
9                   accept the Defendant's plea of guilty.

10                  Does the State have a  
11                  recommendation?

12                  **BY MR. MALLETTE:** Yes, Your Honor. In  
13                  Cause No. 7453, the State recommends a  
14                  sentence of five years with the  
15                  Mississippi Department of Corrections,  
16                  with three and a half of those years  
17                  suspended, leaving -- suspended for a  
18                  period of five years, leaving a year and  
19                  a half to serve.

20                  We also ask that he be placed on two  
21                  years' supervised probation upon his  
22                  release, that he be ordered to pay all  
23                  costs, assessments and fees associated  
24                  with this charge, plus a \$500 fine. And  
25                  there is no restitution in this charge.

26                  In Cause No. 7454, the State also  
27                  recommends a five-year sentence with the  
28                  Mississippi Department of Corrections,  
29                  with three and a half of those years

1                   suspended and a year and a half to serve,  
2                   that he be ordered to pay \$15 restitution  
3                   to Sayle Oil Company, doing business as  
4                   Gas Mart, in Winona, Mississippi, and  
5                   that he have to pay all court costs,  
6                   assessments and fees associated with this  
7                   charge. That to run concurrent with his  
8                   sentence in Cause 7453. There is no fine  
9                   on 7454.

10                  **BY THE COURT:** Is that your  
11                  understanding, Mr. Bailey?

12                  **BY MR. BAILEY:** Yes, sir.

13                  **BY THE COURT:** Is that your  
14                  understanding --

15                  **BY THE DEFENDANT:** Yes, Your Honor.

16                  **BY THE COURT:** -- Mr. Hemphill?  
17                  Mr. Hemphill, that was pretty expensive  
18                  beer, wasn't it?

19                  **BY THE DEFENDANT:** Yes, Your Honor.

20                  **BY THE COURT:** That will be the sentence  
21                  of the Court. In 7453, I sentence you to  
22                  five years with the Mississippi  
23                  Department of Corrections. I suspend  
24                  three and a half years -- I mean, suspend  
25                  three and a half years of that sentence  
26                  for a period of five years.

27                  I order you to be placed on two  
28                  years' supervised probation upon your  
29                  release from incarceration. I order you

1           to pay a \$500 fine and all costs, fees  
2           and assessments involved with that  
3           charge.

4           Cause No. 7554 -- I mean 7454, I  
5           sentence you to five years with the  
6           Mississippi Department of Corrections,  
7           three and a half years suspended for a  
8           period of five years.

9           I order you to pay all costs, fees  
10          and assessments with that charge,  
11          restitution to Sayle Oil Company in the  
12          amount of \$15. And I order that the  
13          sentence imposed in 7454 run concurrent  
14          with the sentence imposed in 7453.

15          I order that all matters ordered --  
16          all amounts ordered to be paid by this  
17          judgment or these judgments be paid  
18          within six months of your release from  
19          incarceration.

20          **BY MR. MALLETTÉ:** Just for the record,  
21          Your Honor, I found a copy of  
22          Mr. Hemphill's waiver of attorney and the  
23          court records showing his plea of guilty  
24          to the charges on August 16th, 1994. And  
25          I can place those in the record if we  
26          need to do that.

27          **BY THE COURT:** Okay. I think it will be  
28          best if you did that. Any objection to  
29          that?

1           **BY MR. BAILEY:** No, sir.

2           **BY THE COURT:** Okay.

3           **BY MR. BAILEY:** Judge, are you going to  
4           give him six months to pay or a year?

5           **BY THE COURT:** I'll give him a year.

6           Make that a year rather than six months.

7           Okay. Mr. Hemphill, did you read  
8           Paragraph 15 of that petition?

9           **BY THE DEFENDANT:** Which one?

10          **BY THE COURT:** This one right here. Did  
11          you read that?

12          **BY THE DEFENDANT:** No alcohol, no drugs  
13          part?

14          **BY THE COURT:** Yeah. Did you and  
15          Mr. Bailey go over what the terms of your  
16          suspended sentence and your probation  
17          were?

18          **BY THE DEFENDANT:** Right.

19          **BY THE COURT:** Do you understand all of  
20          those?

21          **BY THE DEFENDANT:** Yes, sir.

22          **BY THE COURT:** You read them and he read  
23          them to you, right?

24          **BY THE DEFENDANT:** Yes, Your Honor.

25          **BY THE COURT:** Have you got any questions  
26          of me about them? Now is the time to ask  
27          if you do.

28          **BY THE DEFENDANT:** No, Your Honor.

29          **BY THE COURT:** You sure?

1           **BY THE DEFENDANT:** No, Your Honor.

2           **BY THE COURT:** Okay. Do you understand,  
3           and did Mr. Bailey tell you, that if you  
4           violate those terms and conditions and  
5           it's reported to me, that I will revoke  
6           your suspended sentence and you'll have  
7           to serve all this time? Do you  
8           understand that?

9           **BY THE DEFENDANT:** Yes, Your Honor.

10          **BY THE COURT:** Okay. That will be the  
11         sentence of the Court.

12          (Proceedings Concluded)

13

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1                   CERTIFICATE OF REPORTER

2                   STATE OF MISSISSIPPI  
3                   COUNTY OF MONTGOMERY

4                   I, Noelle C. Skelton, Official Court Reporter  
5                   in and for the Fifth Circuit Court District of the  
6                   State of Mississippi, do hereby certify that the  
7                   above and foregoing pages constitute a true,  
8                   accurate and complete transcription of my stenotype  
9                   notes and tape recording taken in this matter, and  
10                  that I have transcribed the same to the best of my  
11                  skill and ability.

12                  I do further certify that my certificate  
13                  annexed hereto applies only to the original  
14                  certified transcript. The undersigned assumes no  
15                  responsibility for the accuracy of any reproduced  
16                  copies not made under my control or direction.

17                  WITNESS MY SIGNATURE, on this the 20TH day of  
18                  August, 1997.

19  
20                  

21                  NOELLE C. SKELTON, CSR  
22                  Mississippi CSR No. 1356

23                  My Commission Expires:

24                  May 15, 1999

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27  
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7454  
CAUSE# 7453

STATE OF MISSISSIPPI VERSUS Willie Hemphill

JUDGE Loper

DISPOSITION OF CASE Two years custody MDOC

BOND None

NEW COURT DATE N/A

~~Montgomery Co.~~ ~~REPRESENTATIVE~~ Reba Carpenter MSO

DATE 10-12-98

JUDGE'S SIGNATURE Joseph H. Loper, Jr.

**FILED**

OCT 12 1998

MRS. TINA RYALS - BLAYLOCK  
CIRCUIT CLERK

D.G.

DD 522

# FEE BILL, CRIMINAL CASES, CIRCUIT COURT

STATE OF MISSISSIPPI  
MONTGOMERY COUNTY  
CASE NO. 7453,54

STATE OF MISSISSIPPI  
VS.

Willie Hemphill

No 2393

7454

Jury Tax.....	\$ 3.00
Court Reporter's Fee.....	10.00
County Attorney.....	3.00
Law Library.....	2.50
State Court Education Fund.....	2.00
Clerk's Fee.....	75.00
<b>Sub-Total.....</b>	<b>95.50</b>
Sheriff's Fee.....	
Law Enforcement Officers and Training.....	
Federal State Alcohol Program.....	
Mississippi Alcohol Safety Education Program.....	
Emergency Medical Services.....	
Correctional Facility Construction.....	
Driver Education and Training.....	
Hunter's Safety Education Program.....	
Fees of other Sheriff's.....	
Restitution.....	2.79
Other.....	
Other.....	
Fine.....	
<b>TOTAL.....</b>	
<b>Partial Payment.....</b>	

How Paid:  Cash Payment received from MDOC  
 Check This the 26th day of October A.D., 1998 Dollars \$ 2.79

Money Order

By \_\_\_\_\_ D.C. TRB Circuit Clerk  
(Prescribed by Mississippi State Department of Audit)

## DEPARTMENT OF CORRECTIONS

FILED

## Affidavit

## VIOLATION OF PROBATION

Cause Number 7453 & 7454

MAR 25 1999

Tina Ryals Blaylock  
MRS. TINA RYALS - BLAYLOCK  
CIRCUIT CLERK  
D.C.

Before me Joseph Loper, Judge of the Circuit Court in and for Montgomery County, Mississippi, personally came Delores W. Cates (Field Officer) who, being first duly sworn, says that Willie Hemphill (Probationer) hereinafter referred to as the aforesaid, was on the 18th day of April A.D. 19 97, convicted of the offense of Felony Shoplifting in the Circuit Court of Montgomery County, which Court sentenced him to serve 3½ years in the custody of the Department of Corrections and suspended the execution and placed the aforesaid on probation for a term of 2 years, in accordance with the provisions of Mississippi Code 1972, Annotated, Section 47-7-33.

It further appearing that the aforesaid has not properly conducted him self, but has violated the conditions of his probation in a material respect by:

Failing to complete the program at the Leflore County Restitution Center by committing violations of the Restitution Center.

1. Violation #19, being terminated from employment, 9/2/98.
2. Violation #18, refusing to work, 9/2/98.
3. Violation #24, unauthorized area away from the Center, 9/6/98.
4. Violation #42, Possession of prohibited item, 9/6/98.
5. Violation #15, Positive for the use of alcohol, 2/6/99, 2/16/99, & 3/13/99.
6. Violation #15, Positive for the use of marijuana, 1/12/99.
7. Violation #2, Absconding supervision of the Restitution Center, 3/19/99.

Delores W. Cates  
(Field Officer)

Sworn to and subscribed before me this 25 day of March, A.D. 19 99.

MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES NOV. 5, 2002  
BONDED THRU STEGALL NOTARY SERVICE

Nanette Sheller

Joseph H. Loper, Jr.  
Judge of the Circuit Court  
in and for Montgomery County

cc: Circuit Clerk (original)  
Deputy Commissioner of Community Services  
Field Officer

EE 195

# Warrant

In the Name of the State of Mississippi, and Peace Officer of the State of Mississippi:

WHEREAS, Delores W. Cates has this day made oath before  
Hon. Joseph Loper that on the 18th day of April,  
A.D. 1997, one Willie Hemphill hereinafter referred to as the  
aforesaid, was convicted of the offense of Felony Shoplifting in the Circuit  
Court of Montgomery County, which Court sentenced him to serve 3½ years in the  
custody of the Department of Corrections and suspended the execution of said sentence and placed the aforesaid  
on probation for a term of 2 years, in accordance with the provisions of Section 27, Chapter 262, Laws of  
Mississippi, 1956, and

It further appearing that the aforesaid has not properly conducted himself, but has violated the conditions  
of his probation in a material respect by:

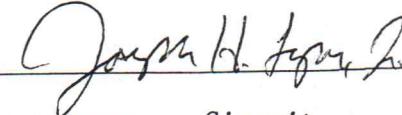
Failing to complete the program at the Leflore County Restitution Center by  
committing violations of the Restitution Center.

1. Violation #19, being terminated from employment, 9/2/98.
2. Violation #18, refusing to work, 9/2/98.
3. Violation #24, unauthorized area away from the Center, 9/6/98.
4. Violation #42, Possession of prohibited item, 9/6/98.
5. Violation #15, Positive for the use of alcohol, 2/6/99, 2/16/99 & 3/13/99.
6. Violation #15, Positive for the use of marijuana, 1/12/99.
7. Violation #02, Absconding supervision of the Restitution Center, 3/19/99.

THESE ARE, THEREFORE, to command you to arrest instanter the aforesaid Willie

Hemphill, and bring him before me to be dealt with according to law.

Given under my hand and seal this 25th day of March, A.D. 1999.

  
Judge of the Circuit Court.  
in and for Montgomery County.

**FILED**  
Tina Ryalis Claylock  
MRS. TINA RYALIS - CLAYLOCK  
CIRCUIT CLERK  
Sgt. Case Kepp  
D.C.  
MAR 25 1999  
M.D.O.C.

# Mississippi Department of Corrections

#7454

Division of Community Services



Greenwood/Leflore County Restitution Center

P. O. Box 1346

Greenwood, Mississippi 38935-1346

(601) 453-5134

FAX 601-453-0243

March 26, 1999

Tina L. Blaylock, Circuit Clerk  
Montgomery County Mississippi  
Post Office Box 765  
Winona, Mississippi 38967

Dear Tina L. Blacklock:

Enclosed you will find a Waiver of Preliminary Probation Revocation Hearing and Waiver of Notice and Waiting Period to Revocation Hearing on Willie Hemphill, Montgomery County Causes # 7453 and 7454. At your earliest convenience, please file and return to me a copy of each.

Thanking you in advance for your assistance in this matter.

Respectfully,

Handwritten signature of Delores W. Cates.

Delores W. Cates,  
Field Officer II

FILED

MAR 29 1999  
Tina R. Blaylock  
MRS. TINA RYALS - BLAYLOCK  
CIRCUIT CLERK  
By Debra Reals D.C.

# Mississippi Department of Corrections

Division of Community Services



FILED

Greenwood/Leflore County Restitution Center

P. O. Box 1346  
Greenwood, Mississippi 38935-1346  
(601) 453-5134  
FAX 601-453-4558

MAR 29 1999  
Tina Ryals-Blaylock  
MRS. TINA RYALS-BLAYLOCK  
CIRCUIT CLERK  
By Cosey D.C.

## WAIVER OF RIGHT

TO

## PRELIMINARY PROBATION REVOCATION HEARING

I, Willie Hemphill, CAUSE NO. 7453 & 7454

HAVE BEEN CHARGED WITH THE PROBATION VIOLATION (S) LISTED BELOW:

1. Violation #19, being terminated from employment, 9/2/98.
2. Violation #18, refusing to work, 9/2/98.
3. Violation #24, unauthorized area away from the Center, 9/6/98.
4. Violation #42, Possession of prohibited item, 9/6/98.
5. Violation #15, Positive for the use of alcohol, 2/6/99, 2/16/99 & 3/13/99.
6. Violation #15, Positive for the use of marijuana, 1/12/99.
7. Violation #02, Absconding supervision of the Restitution Center, 3/19/99.

After having these charges fully explained to me, and without waiving any other rights I may have, DO HEREBY VOLUNTARILY WAIVE and relinquish my right to a Preliminary Probation Revocation Hearing, and futher request that I be returned to the Circuit Court of Montgomery County for a Probation Revovation Hearing before the Circuit Judge.

SIGNED AND DATED, THIS THE 25<sup>th</sup> DAY OF March, 1999.

Delores W. Cates  
SIGNATURE OF WITNESS

Not Guilty  
Willie Hemphill  
SIGNATURE OF PROBATIONER

# Mississippi Department of Corrections

Division of Community Services



Greenwood/Leflore County Restitution Center

P. O. Box 1346

Greenwood, Mississippi 38935-1346

(601) 453-5134

FAX 601-453-4558

## WAIVER OF RIGHTS

TO

## NOTICE AND/OR WAITING PERIOD PRIOR TO REVOCATION HEARING

I, Willie Hemphill Cause # 7453 & 7454 do hereby waive any and all rights which I may have, accrued under State and Federal Law, to a notice and/or any waiting period prior to hearing the allegation against me at any set date of my Probation Revocation Hearing.

I, Willie Hemphill Cause # 7453 & 7454, do hereby understand what has been explained and read to me, and sign this statement voluntarily on my own free will without any threats, promises or coercion of any kind from anyone.

25 March 99

DATE

Willie Hemphill

RESIDENT'S SIGNATURE

Delores W. Cates

STAFF MEMBER'S SIGNATURE

Willie Winters

WITNESS' SIGNATURE

**FILED**

Oma Rials-Baylor  
MAR 29 1999  
MRS. TINA RIALS BAYLOR  
COUNTY CLERK  
By Rose Seal D.G.

**FEE BILL, CRIMINAL CASES, CIRCUIT COURT**  
**STATE OF MISSISSIPPI**

**STATE OF MISSISSIPPI  
MONTGOMERY COUNTY**

**CASE NO.** 7453-7454

HEDERMAN BROTHERS - RIDGELAND, MS

**No** 2545

**VS.**

Willie J. Hemphill

Jury Tax .....	\$ 3.00
Court Reporter's Fee .....	10.00
County Attorney .....	3.00
Law Library .....	2.50
State Court Education Fund .....	2.00
Clerk's Fee .....	75.00
<b>Sub-Total.</b> .....	<b>95.50</b>
Sheriff's Fee .....	
Law Enforcement Officers and Training .....	
Federal State Alcohol Program .....	
Mississippi Alcohol Safety Education Program .....	
Emergency Medical Services .....	
Correctional Facility Construction .....	
Driver Education and Training .....	
Hunter's Safety Education Program .....	
Fees of other Sheriff's .....	# 7454
Restitution .....	# 260,21
Other .....	ck# 11173
Other .....	# 7453
Fine .....	705.15
<b>TOTAL</b> .....	<b>ck# 11173</b>
<b>PARTIAL PAYMENT</b> .....	

How Paid:  Cash Payment received from M D O C  
 Check this the 27<sup>th</sup> day of April A.D., 1999 Dollars \$ 965.36  
 Money Order

By Carolyn Bennett D.C. TINA RYALS-BLAYLOCK Circuit Clerk

7453, 7454

# Mississippi Department of Corrections

Division of Community Services

Greenwood Restitution Center  
P.O. Box 1346  
Greenwood, Mississippi 38901  
(601) 453-5134

I, Willie Hemphill, having discussed my probation with Ellis Bevis FO II, feel that it would be in my best interest to voluntarily enter the Leflore County Restitution Center. I understand my responsibility to abide by the rules and guidelines of the restitution program. I also agree to pay any fines, Court Costs, restitution, and back supervision fees that I am obligated to pay by the Court Order dated April 18, 1997.

I further understand that my release from the Restitution Center depends on my meeting all financial obligations and having no serious behavioral problems.

I would further warrant that the above statement was freely given and I was not coerced or pressured by any other person.

Willie Hemphill  
Probationer's Signature

Ellis Bevis FO II  
Witness

8/21/98

Date

8/21/98

Date

F I L E D

AUG 28 1998  
Tina Royal - Claylock  
MRS. TINA ROYAL CLAYLOCK  
CLERK CLERK  
D.G.

STATE OF MISSISSIPPI

VS.

Willie Hemphill

Defendant.

In the Circuit Court  
Montgomery County, Mississippi  
No. 7453 & 7454

## Order of Modification of Probation

THIS CAUSE coming on to be heard, and being heard in the vacation term of this Court before the Honorable C. E. Morgan, III, Judge and it appearing that Willie Hemphill, hereinafter referred to as the aforesaid, was on the 18th day of April, A.D. 1997, convicted of the offense of Felony Shoplifting in the Circuit Court of Montgomery County, which Court suspended the imposition of sentence and place the aforesaid on probation for a term of 2 years, in accordance with the provisions of Section 27, Chapter 524, Laws of Mississippi, 1950, as amended and

It further appearing that the aforesaid has not properly conducted h im self, but has violated the conditions of h is probation in a material respect by

Condition E: Not possess and or use illegal drugs and or alcohol;

Condition G: Report to MS Dept. of Corrections as directed;

Condition K: Pay monthly Supervision Fees to MS Dept. of Corrections;

Condition L: Pay Court Ordered fines, fees and restitution to the Clerk of the Court as directed;

IT, THEREFORE IS ORDERED AND ADJUDGED that the probation of the aforesaid defendant ought to be modified, and it is hereby modified in accordance with Section 27, Chapter 524, Laws of Mississippi, 1950, as amended, in the following manner: Willie Hemphill is to be placed in a Restitution Center under the control of the MS Dept. of Corrections until amounts totaling \$1,011.00 is paid to the Circuit Clerks Office in Montgomery County and \$90.00 is paid to the MS Dept. of Corrections in back Supervision Fees. Also while at the Restitution Center Willie Hemphill is to receive alcohol and drug treatment. Upon his completion of the Restitution Center Hemphill is to be released to continue his original sentence on Supervised Probation.

IT IS FURTHER ORDERED, That the Clerk of this court file this order in his office, enter a copy of same in the Minutes of the Court, and forthwith forward three certified copies of same to the Probation Supervisor in this District for his use in compliance with the requirements of law.

**FILED**

DONE AND ORDERED IN OPEN COURT, this 26 day of August, A.D. 1998.

AUG 26 1998  
Judy Kyle Blaylock  
CIRCUIT CLERK  
D.C.

C. F. Morgan  
Judge Presiding

A certified copy of this order has been delivered to Probationer, who has been instructed regarding same

This the 28<sup>th</sup> day of August, A.D. 1998.

Ellis Bain FO II

## STATE OF MISSISSIPPI

In the Circuit Court of Montgomery County Cause/CASE No. 7454

## TO THE MISSISSIPPI DEPARTMENT OF CORRECTIONS:

## NOTICE OF CRIMINAL DISPOSITION

You are hereby notified that at the April 1997 term of the Circuit Court, Judge Clarence E Morgan III presiding, the following disposition was imposed for the crime(s) hereinafter described:

I. A. Disposition(s) Reported:  Prisoner Commitment  Suspended Sentence/Probation  Acquittal/Dismissal  Provisional Sentence  
(Check all that apply) (Complete A-1 if checked)

A-1. Provisional Sentence  Non-Adjudication  Sentenced under RID  Sentenced under Shock Probation  
(Compliance/Non-Compliance Order constitutes Final Disposition)  Bad Check Diversionary Program  Restitution Center in \_\_\_\_\_ County

B. Conviction as Result of:  Guilty Plea  Guilty Plea after \_\_\_\_\_ days of Commencement of trial  
 Jury Verdict after \_\_\_\_\_ days in trial  Revocation Hearing

II. Name Willie A Hemphill Alias W.A.  
SSN 587-19-4768 Race Black Sex Male Date of Birth 9/10/71  
Last Known Residence 1000 BCB King Dr., Kilnichael Ms 39747 Country of Citizenship \_\_\_\_\_  
Place of Birth Minova Ms FBI # \_\_\_\_\_  
Alien Registration/Immigration # \_\_\_\_\_

III. Count I Charge felony shoplifting MS Code § 97-23-93 Orig. Case# \_\_\_\_\_ Agency \_\_\_\_\_  
Count II Charge \_\_\_\_\_ MS Code § \_\_\_\_\_ Orig. Case# \_\_\_\_\_ Agency \_\_\_\_\_  
\*Count III Charge \_\_\_\_\_ MS Code § \_\_\_\_\_ Orig. Case# \_\_\_\_\_ Agency \_\_\_\_\_

IV. Date of Sentence April 18, 1997 Credit for Time Served (ONLY for this/these charge[s])  
Sentence(s) Initially Imposed by Order: Count I ✓; Count II \_\_\_\_\_; \*Count III \_\_\_\_\_

\*  Check if reporting additional Counts on Reverse Side  
Portion of Sentence to be Served (Yrs/Mos) Portion of Sentence Suspended (Yrs/Mos) To be served on Probation (Yrs/Mos) Other Disposition (See Legend on Reverse Side)  
Count I 1 1/2 yrs 3 1/2 yrs susp for 5 yrs \_\_\_\_\_  
Count II \_\_\_\_\_  
\*Count III \_\_\_\_\_  
to run concurrent with sentence imposed in cause no 7453  
to run consecutive with \_\_\_\_\_

Conditions/Designation of Sentence:  Habitual  Psychological/Psychiatric  Alcohol/Drug Treatment/Testing  Other \_\_\_\_\_

V. Confined in Jail [On This/These Charges Only] to \_\_\_\_\_  
to \_\_\_\_\_  
to \_\_\_\_\_  
to \_\_\_\_\_

Released on Bond Pending Appeal \_\_\_\_\_ to \_\_\_\_\_  
Defendant Currently Housed in: \_\_\_\_\_

VI. Fine \$ \_\_\_\_\_ Indigent Fee \$ \_\_\_\_\_ Restitution \$ 15.00 to Gayle Oil Co  
Court Costs \$ 248.00 Attorney Fees \$ \_\_\_\_\_ Other Fees \$ \_\_\_\_\_  
Conditions of Payment to be pd within 1 year of release.

Send Prisoner Commitments, Provisional Sentence

Orders and Revocation Orders to:

Director of Records	INS Liaison
MDOC	MS Supreme Court
P. O. Box 88550	P. O. Box 117
Pearl, MS 39208-8550	Jackson, MS 39205-0117

Send Suspended Sentence/Probation Notices, Provisional Sentence Orders and Revocation Orders to:

Data Operations	INS Liaison
MDOC	MS Supreme Court
723 North President St.	P. O. Box 117
Jackson, MS 39202-3097	Jackson, MS 39205-0117

Acquittal/Dismissal Notices to: INS Liaison (Above Address)

Sina Gayle B Laylock  
Circuit Clerk  
By: Rose Geal, DC  
Date: April 23, 1997

Pd. In  
Full

Acct Receivable

Name: Willie J. Hemphill

Bk: H pg: 245

Judgment: 4/21/97 (5 yrs w/mSOC, 3 1/2 yrs suspended for 5 yrs, w/ 1 1/2 yrs to serve; to pay costs, assessments & restitution in amt of \$15.00 to Sayle Oil Co, d/b/a Kae Mart, Union, MS - to be paid within 1 yr of release; sentence imposed shall run concurrent with sentence imposed in Cause No. 7753).

Cause No: 7454

Charge: Felony Shoplifting

Date	Receipt No	Dr	Cr	Balance
10/26/98	2393	2.79		\$260.21
4/21/99	2545	260.21		—

pd 4/99  
~~\$15.00 restitution to Sayle Oil Co, d/b/a Kae Mart, Union, MS  
25.00 Sheriff pd 4/99  
15.00 Clerk pd. 4/99  
3.00 Co. atty  
2.00 Att. fees  
18.00 Ct. Clerk  
2.50 Law Lib.  
2.00 Ct. Ed  
127.00 Assess~~

Ch. #1279

75.00 Clerk  
2.79 10/98  
52.21 bal.  
72.21 pd 4/99  
-00

\* \$263.00 Total amt due